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2003年 2月25日 10時10分
14-FEB-2003 15:55NOTARIAL & PARTNERS
FROMNO. 0901 P. 0
TO 0081669490361

P.02/08

CPCH0063458P

Patent Office of the People's Republic of China

Address: Receiving Section of the Chinese Patent Office, No. 6 Tucheng Road West, Haidian District, Beijing. Postal code: 100088

Applicant	MATSUSHITA ELECTRIC WORKS, LTD.		Seal of Examiner	Date of Issue
Agent	China Patent Agent (H.K.) Ltd.			January 31, 2003
Patent Application No.	00800941.4	Application Date	March 16, 2000	Exam Dept.
Type of Invention	CATALYST FOR WATER GAS SHIFT REACTION METHOD FOR REMOVING CARBON MONOXIDE IN HYDROGEN GAS AND ELECTRIC			

First Office Action

(PCT application entering into the national phase)

1. ☒ Under the provision of Art. 35, para. 1 of the Patent Law, the examiner has made an examination as to substance of the captioned patent application for invention upon the request for substantive examination filed by the applicant on _____.
- ☐ Under the provision of Art. 35, para. 2 of the Patent Law, the Chinese Patent Office has decided to conduct an examination of the captioned patent application for Invention on its own initiative.
2. ☒ The applicant requests that
the filing date March 18, 1999 at the JP Patent Office be taken as the priority date of the present application.
the filing date _____ at the _____ Patent Office be taken as the priority date of the present application.
the filing date _____ at the _____ Patent Office be taken as the priority date of the present application.
3. ☐ The following amended documents submitted by the applicant cannot be accepted for failure to conform with Art. 33 of the Patent Law:
- ☐ the Chinese version of the annex to the international preliminary examination report.
 - ☐ the Chinese version of the amended documents submitted according to the provision of Rule 19 of the Patent Cooperation Treaty.
 - ☐ the amended documents submitted according to the provision of Rule 28 or Rule 41

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of the Patent Cooperation Treaty.

- ☐ the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

See the text portion of this Office Action for detailed reasons why the amendment cannot be accepted.

4. ☒ Examination is conducted on the Chinese version of the initially-submitted international application.

- ☐ Examination is conducted on the following document(s):

☐ page _____ of the description, based on the Chinese version of the initially-submitted international application documents;

page _____ of the description, based on the Chinese version of the annex to the international preliminary examination report;

page _____ of the description, based on the amended documents submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty;

page _____ of the description, based on the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

☐ claim(s) _____, based on the Chinese version of the initially-submitted international application documents;

claim(s) _____, based on the Chinese version of the amended documents submitted according to the provision of Rule 19 of the Patent Cooperation Treaty;

claim(s) _____, based on the Chinese version of the annex to the international preliminary examination report;

claim(s) _____, based on the amended documents submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty;

claim(s) _____, based on the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

☐ Fig(s) _____, based on the Chinese version of the initially-submitted international application documents;

Fig(s) _____, based on the Chinese version of the annex to the international preliminary examination report;

Fig(s) _____, based on the amended documents submitted according to the provision of Rule 28 or Rule 41 of the Patent Cooperation Treaty;

Fig(s) _____, based on the amended documents submitted according to the provision of Rule 51 of the Implementing Regulations of the Patent Law.

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5. ☒ The following reference document(s) is/are cited in this Office Action (its/their serial number(s) will continue to be used in the subsequent course of examination):

Serial No.	Number of Title(s) of Document(s)	Date of Publication (or filing date of interference application)
1	DE2057839	Date: June 16, 1971
2	CN1121701	Date: May 1, 1996
3		Date
4		

6. Concluding comments on the examination:

☐ On the description:

- ☐ What is stated in the application comes within the scope of that no patent right shall be granted as prescribed in Art. 5 of the Patent Law.
- ☐ The description is not in conformity with the provision of Art. 26, para. 3 of the Patent Law.

☒ On the claims:

- ☐ Claim(s) _____ come(s) within the scope of that no patent right shall be granted as prescribed in Art. 25 of the Patent Law.
- ☒ Claim(s) 1-7 has/have no novelty as prescribed in Art. 22, para. 2 of the Patent Law.
- ☐ Claim(s) _____ has/have no inventiveness as prescribed in Art. 22, para. 3 of the Patent Law.
- ☐ Claim(s) _____ has/have no practical applicability as prescribed in Art. 22, para. 4 of the Patent Law.
- ☐ Claim(s) _____ is/are not in conformity with the provision of Art. 26, para. 4 of the Patent Law.
- ☒ Claim(s) 11, 12 is/are not in conformity with the provision of Art. 31, para. 1 of the Patent Law.
- ☒ Claim(s) 8, 9 is/are not in conformity with the provisions of Rules 20 to 23 of the Implementing Regulations.
- ☐ Claim(s) _____ is/are not in conformity with the provision of Art. 9 of the Patent Law.
- ☐ Claim(s) _____ is/are not in conformity with the provision of Rule 12, para. 1 of the

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Implementing Regulations.

See the text portion of this Office Action for detailed analysis of the above concluding comments.

7. Based on the above concluding comments, the examiner deems that
- ☐ the applicant should make amendment to the application document(s) according to the requirements put forward in the text portion of this Office Action.
 - ☒ the applicant should expound in his/its observations why the captioned patent application is patentable and make amendment to what is not in conformity with the provisions pointed out in the text portion of this Office Action, otherwise, no patent right shall be granted.
 - ☐ the patent application contains no substantive content(s) for which a patent right may be granted, if the applicant has no sufficient reason(s) to state or his/its stated reason(s) is/are not sufficient, said application will be rejected.

8. The applicant should note the following items:

- (1) Under Art. 37 of the Patent Law, the applicant should submit his/its observations within four months from the date of receipt of this Office Action; if, without any justified reason(s), the time limit for making written response is not met, said application shall be deemed to have been withdrawn.
- (2) The amendment made by the applicant to said application should be in conformity with the provision of Art. 33 of the Patent Law, the amended text should be in duplicate and its form should conform with the related provisions of the Guide to Examination.
- (3) If no arrangement is made in advance, the applicant and/or the agent shall not come to the Chinese Patent Office to have an interview with the examiner.
- (4) **The observations and/or amended text should be sent to the Receiving Section of the Chinese Patent Office by mail or by personal delivery, if not sent to the Receiving Section by mail or by personal delivery, the document(s) will have no legal effect.**

9. This Office Action consists of the text portion totalling 1 page(s) and of the following attachment(s):

- ☒ 2 copy(copies) of the reference document(s) totalling 3 page(s).

Examination Dept. No. _____
9016

Examiner _____

2003 2/25 10:41
15 FEB 2003 11:42AVIATION & MARINE
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TO 0091669490361

P. 02/07

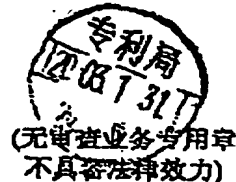
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香港湾仔港湾道 23 号鹰君中心 22 字楼

中国专利代理(香港)有限公司

魏金鏗, 杨丽琴



申请号: 00800941.4

部门及通知书类型: 4-D

发文日期:

申请人:

松下电工株式会社

发明名称:

水煤气转化反应催化剂、氢中的一氧化碳去除方法及燃料电池发电系统

第一次审查意见通知书

(进入国家阶段的 PCT 申请)

1. ☒ 依申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 审查员对上述发明专利申请进行实质审查。
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。

2. ☒ 申请人请求以在:

JP 专利局的申请日 1999 年 3 月 18 日 为优先权日,
 专利局的申请日 为优先权日,
 专利局的申请日 为优先权日,

3. ☐ 申请人提交的下列修改文件不符合专利法第 33 条的规定, 因而不能接受:

- ☐ 国际初步审查报告附件的中文译文。
☐ 依据专利合作条约第 19 条规定所提交的修改文件的中文译文。
☐ 依据专利合作条约第 28 条或 41 条规定所提交的修改文件。
☐ 依据专利法实施细则第 51 条规定所提交的修改文件。

修改不能被接受的具体理由见通知书正文部分。

4. ☒ 审查是针对原始提交的国际申请的中文译文进行的。

- ☐ 审查是针对下述申请文件进行的:

说明书 第____页, 按照原始提交的国际申请文件的中文译文;
 第____页, 按照国际初步审查报告附件的中文译文;
 第____页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;
 第____页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。

权利要求 第____项, 按照原始提交的国际申请文件的中文译文;

第____项, 按照依据专利合作条约第 19 条规定所提交的修改文件的中文译文;
 第____项, 按照国际初步审查报告附件的中文译文;
 第____项, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;
 第____项, 按照依据专利法实施细则第 51 条规定所提交的修改文件。

附图 第____页, 按照原始提交的国际申请文件的中文译文;

第____页, 按照国际初步审查报告附件的中文译文;
 第____页, 按照依据专利合作条约第 28 条或 41 条所提交的修改文件;
 第____页, 按照依据专利法实施细则第 51 条规定所提交的修改文件。



15 JUN 2003

回函请寄: 100088
2201-1 2001.7

北京市海淀区蓟门桥西土城路 6 号 国家知识产权局专利局受理处收
 (注: 凡寄给审查员个人的信函不具有法律效力)

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P.03/07

5. ☒ 本通知书引用下述对比文献 (其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	DE2057839	1971年6月16日
2	CN1121701	1996年5月1日
3		____年____月____日
4		____年____月____日

6. 审查的结论性意见:

☐ 关于说明书:

- ☐ 申请的内容属于专利法第5条规定的不授予专利权的范围。
☐ 说明书不符合专利法第26条第3款的规定。
☐ 说明书的撰写不符合专利法实施细则第18条的规定。
☐

☒ 关于权利要求书:

- ☒ 权利要求1-7不具备专利法第22条第2款规定的新颖性。
☐ 权利要求____不具备专利法第22条第3款规定的创造性。
☐ 权利要求____不具备专利法第22条第4款规定的实用性。
☐ 权利要求____不符合专利法第26条第4款的规定。
☒ 权利要求11, 12不符合专利法第31条第1款的规定。
☐ 权利要求____不符合专利法实施细则第13条第1款的规定。
☐ 权利要求____不符合专利法第9条的规定。
☒ 权利要求8, 9不符合专利法实施细则第20条至第23条的规定。
☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐ 申请人应按通知书正文部分提出的要求, 对申请文件进行修改。
☒ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
☐ 专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其中请将被撤回。
☐

8. 申请人应注意下述事项:

- (1) 根据专利法第37条的规定, 申请人应在收到本通知书之日起的2个月内陈述意见, 如果申请人无正当理由逾期不答复, 其中请将被视为撤回。
(2) 申请人对其申请的修改应符合专利法第33条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
(3) 申请人的意见陈述书和/或修改文本应邮寄或送交给中国专利局受理处, 凡未邮寄或送交给受理处的文件不具备法律效力。
(4) 未经预约, 申请人和/或代理人不得前来中国专利局与审查员举行会晤。

9. 本通知书正文部分共有1页, 并附有下列附件:

☒ 引用的对比文件的复印件共2份3页。

☐

申请号: 008009414

第一次审查意见通知书正文

1

第一次审查意见通知书正文

本申请涉及一种水煤气转化反应催化剂及从氢气中除去一氧化碳的方法, 经审查, 现提供如下的审查意见。

1 权利要求 1 不具备新颖性, 不符合专利法第 22 条第 2 款的规定。对比文件 1 公开了一种含铂和铈负载在多孔氧化物上的催化剂, 载体主要由 Al_2O_3 组成, 铂与铈的含量优选为 0.2-1% (参见该对比文件的摘要)。由此可见, 该对比文件已经公开了该权利要求的全部技术特征, 因此该权利要求不具备新颖性。

从属权利要求 2-5 的附加技术特征也被对比文件 1 所述公开, 因此也不符合专利法第 22 条第 2 款的规定。

2 权利要求 6 也不具备新颖性, 不符合专利法第 22 条第 2 款的规定。对比文件 2 公开了一种用于制备合成气的催化剂, 它是由 ZrO_2 和 La、Ce、Ca 等元素的氧化物组成的载体及铂涂层组成的 (参见该对比文件的权利要求书)。由此可见, 该对比文件已经公开了该权利要求的全部技术特征, 因此该权利要求不具备新颖性。

从属权利要求 7 对金属的含量进行了限定, 但在对比文件的权利要求书中已经公开, 所以也不具备新颖性。

从属权利要求 8 所记载的附加技术特征是催化剂的制备方法, 而不是对催化剂的限定, 不符合实施细则第 21 条第 3 款的规定。申请人应当删除该权利要求。

3 权利要求 9 缺少达到发明目的的必要技术特征, 不符合实施细则第 21 条第 2 款的规定。要达到前面所述的本发明的目的, 实现从氢气中除去一氧化碳, 必须明确地记载该方法所采用的具体条件。因此, 申请人应当将其记载到该权利要求中。

4 独立权利要求 11 及其从属权利要求 12 与权利要求 1 所要求保护的技术方案不属于一个总的发明构思, 技术上无相互关联, 没有相同或者相应的特定技术特征, 不具备单一性, 因此不符合专利法第 31 条的规定。权利要求 1-10 为一种含铂的负载催化剂, 而权利要求 11-12 则为一种燃料电池发电系统。申请人应当删除权利要求 11-12。针对不再要求保护的发明, 申请人可以在本申请结案之前另行提交分案申请。

基于上述理由, 申请人应当在本通知书报定的答复期限内作出答复, 对本通知书提出的问题逐一进行答复, 必要时应修改专利申请文件, 否则本申请将难以获得批准。申请人对申请文件的修改应当符合专利法第 33 条的规定, 不得超出原说明书和权利要求书记载的范围。